IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 7401 OF 2005
IN
CRIMINAL APPEAL NO. 1125 OF 2004

Ram Pandu Salkar ..Petitioner
(Ori. Accused No.1)
versus
The State of Maharashtra ..Respondents

Mr. D. G. Khamkar for the Petitioner - Original Accused No.1.
Mrs. V. R. Bhosale, APP for the Respondents - State.

CORAM : D. G. DESHPANDE, &
V. M. KANADE, JJ.

DATE : 6TH DECEMBER,2005

P.C. :

1. Heard counsel for the petitioner - accused No.1 and the learned APP for the State.

2. This is an application for bail by petitioner - accused No.1. In all four accused were convicted for offence under Section 302 read with 34 of IPC. The other three accused have been released on bail. Their bail orders were produced by the counsel for the petitioner - accused No. 1.

However, the case of the petitioner - accused No.1, is different. He has actually caused the assault on the victim, resulting in death. Counsel for the petitioner - accused No.1 states that looking to the nature of the quarrel and the fact that only one injury was inflicted, it cannot be said that the petitioner - accused No.1 had any intention to kill. He also pointed out that the petitioner - accused No. 1 is in custody for more than 4 years and 9 months. There are no criminal antecedents, and, therefore, he should be released on bail.

3. Learned APP concedes that there are no criminal antecedents. However, according to her, the injury was grave and serious, therefore, she opposed this application.

4. Copy of the FIR is annexed with this bail application. It appears that the deceased and the accused were residing side by side. There was quarrel earlier in the morning on 19.2.2002, it was followed by quarrel in the evening. Pandit Salkar - the deceased victim came in between. He was warned by the accused not to interfere and then the accused is alleged to have inflicted a blow on the abdomen.

5. Considering the nature of the allegations and the fact that there is only one injury, no criminal antecedents, and, the fact that the petitioner - accused No.1 is in custody for more than 4 years and 9 months, the petitioner - accused No.1 be released on his P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) with one solvent surety in the like amount. Petitioner - accused No.1 to report Mokhade Police Station in Thane District, once in a week, till the appeal is disposed of. Application is disposed of accordingly.

(D.G. DESHPANDE, J.)

(V. M. KANADE, J.)